

19/03 Page 1 of 5 PageID 104  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
**FILED**  
COURT  
TEXAS  
AUG 1 2003  
CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy

§ 100.100

Joint Status Report on Plaintiffs' Motion and Brief to Compel Discovery from Defendant Wyeth - Page 1

Jeffrey J. Hobbs - attorney for defendants

**B. Date conference was held and amount of time parties conferred**

On July 21, 2003, the above-named counsel held a face-to-face conference at the law office of Vinson & Elkins. The parties conferred for approximately one hour and thirty minutes.

**C. Matter resolved by agreement**

None.

**D. Specific matters that need to be heard and determined**

Whether the court should grant plaintiffs' motion to compel discovery and enter the accompanying order.

**E. Reasons why agreement could not be reached**

**1. PLAINTIFFS' POSITION**

*Please see Plaintiffs' Motion and Brief to Compel Discovery from Wyeth and the attached Exhibits.*

(\*) Plaintiffs served their First Set of Interrogatories and First Request for Production to defendant Wyeth on or about March 25, 2003. On or about May 12, 2003, defendant served plaintiffs with its answers and objections, and produced little, if any, documents or information.

On July 21, 2003, the above-named counsel held a face-to-face conference at the law office of Vinson & Elkins. Plaintiffs then served defendant a copy of this Motion and Brief on July 24, 2003, (**Att. 1**), in an effort to comply with the Joint Status Report requirement. Counsel for respondent has not filed any response to said motion, nor have they discussed this matter beyond supplementing a few advertising materials that were available at the time of the July 21, 2003 conference.

More than 20 days have elapsed since plaintiffs served this Motion and Brief on counsel for defendant. According to Local Rule 7.1, a response and brief to an opposed motion must be filed within 20 days from date the motion is filed. Plaintiffs have been more than patient and have waited the required time in order to file this Joint Status Report. However, plaintiffs can no longer wait around for defendant to respond, then spend additional time filing the joint status report, simply to delay the hearing date and discovery in this case further than has already been delayed.

Therefore, plaintiffs file this Joint Status Report along with their Motion and Brief to Compel Discovery.

**2. WYETH'S POSITION**

*See above* (\*).

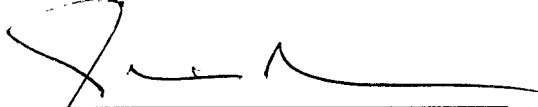
Dated this 19<sup>th</sup> day of August, 2003.

Respectfully submitted,

**LAW OFFICES OF JAMES C. BARBER**

4310 Gaston Avenue  
Dallas, TX. 75246  
(214) 821-8840  
Fax No. (214) 821-3834

By:

  
**JAMES C. BARBER**  
State Bar No. 01706000  
**JASON S. MARINA**  
State Bar No. 24011738

**ATTORNEYS FOR PLAINTIFFS**

# **Attachment 1**

**LAW OFFICES OF JAMES C. BARBER**

4310 GASTON AVENUE  
DALLAS, TEXAS 75246

JAMES C. BARBER  
JASON S. MARINA  
MARK MILLS - LEGAL ASSISTANT

BOARD CERTIFIED-PERSONAL INJURY TRIAL LAW  
TEXAS BOARD OF LEGAL SPECIALIZATION

BOARD CERTIFIED - CIVIL TRIAL ADVOCACY  
NATIONAL BOARD OF TRIAL ADVOCACY

Telephone  
214-821-8840  
METRO 972-263-6866  
Toll Free (877) - JBARBER  
(877) 522-7237  
FAX 214-821-3834  
email: [jcbarber@gte.net](mailto:jcbarber@gte.net)

July 24, 2003

**VIA HAND DELIVERY**

Jeffrey J. Hobbs, Esq.  
Vinson & Elkins, L.L.P.  
3700 Trammell Crow Center  
2001 Ross Ave.  
Dallas, TX 75201-2975

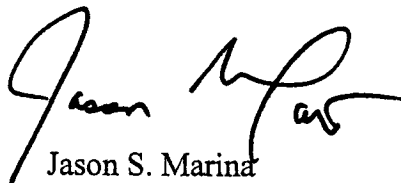
Re: Cause No.: 3:03-CV-0167-R;  
*LaSandra Madden and Levell Madden, Individually, and on Behalf of Labrea  
Williams, a minor child v. Wyeth et al.*

Dear Jeff:

Enclosed please find Plaintiffs' Motion and Brief to Compel Discovery from Wyeth. I would appreciate it if you would get back to me as soon as possible so that we can file our Joint Status Report on any resolved and unresolved matters.

Thank you for your attention to this matter.

Sincerely yours,

  
Jason S. Marina

/jsm  
Enclosure

cc: LaSandra Madden (w/o encl.)

**VIA REGULAR MAIL**